NEGRO

APPRENTICESHIP

IN THE

BRITISH COLONIES.

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1838.

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A VERY considerable want of information appearing still to exist, as to the real nature of the evidence elicited by the inquiry into the apprenticeship system in the Colonies, the Committee of "The London Anti-Slavery Society" have thought it desirable to publish the following statement.

The Committee having at the passing of the Imperial Act of Abolition, protested against the apprenticeship system as a "needless postponement" of the acknowledged rights of the negroes, and a means of extortion and oppression detrimental to the true interests of all parties; and having subsequently pledged themselves "to spare no prudent exertions, and to leave no constitutional means untried, until the last vestiges of slavery shall have merged in perfect and unconditional freedom,"* conceived themselves bound by their protest and pledge, not only to watch closely the progress of that pernicious system, but likewise to facilitate public inquiry into the manner in which the intentions of the Imperial Act had been carried into effect by Colonial Legislatures, Authorities, and Planters, and likewise by the Home Government.

In pursuing that course, they were led to hope, that the exposure of much fraud in the concoction, and of great oppression in the execution of the Colonial laws on the one hand, and of meritorious and unexampled endurance on the other, might at length remove all scruples from the minds of those, who hesitated on the score of justice to the planter, to do substantial justice to the negroes. And, although, the practical result of this inquiry has been unsatisfactory up to the present time, the Anti-Slavery Committee can not attribute

* Vide Memorial to Lord Glenelg, August 14th, 1835.

this unfortunate circumstance to any defect in the evidence already adduced. Consisting as that evidence does, in a great degree of the Colonial laws themselves, and of official facts and admissions, they conceive it to be not only above future cavils, but abundantly sufficient to establish their case; and they will now proceed to state the substance of it, as concisely and accurately as they are able. They would merely premise the impossibility of doing more than collect into one view the principal divisions of their subject, while they request especial attention to the laws and practice of Jamaica, the importance of which Colony in this question, will be inferred from the fact, that it contains more than a third part of the entire negro population of the West Indies.

This evidence will be considered under the following heads, viz.: 1st. The law respecting the amount of labour that can be exacted from apprentices. 2ndly. The law respecting food and other maintenance and allowances provided for them. 3rdly. The law respecting punishments that may be inflicted, respectively, on apprentices and on masters for breach of duty. 4thly. The law imposing unnecessary restraints on apprentices, and allowing imprisonment for safe custody on estates. 5thly. The special disadvantages of females, of children, and of aged persons, under the apprenticeship law. 6thly. The law of compulsory manumission, and the constitution of courts of appraisement. 7thly. The law relating to powers and protection bestowed on special magistrates.

Under each of these heads of inquiry, such statements of the actual condition of the apprentices will be introduced, as can be corroborated by official and authentic documents.* Before the evidence collected on the foregoing points is considered, they would however, particularly advert to the condition of those negroes who have been illicitly introduced into the Colonies, or are not duly registered, in conformity with the terms of the Imperial Act of Abolition; and, likewise to those preliminary laws of classification enjoined by the Imperial Act, to be enacted by the Colonial Legislatures, for the purpose of securing to each class of apprentices the rights which respectively belong to them. On the subject of illicit importation and defective registration, the Anti-Slavery Committee have reason to complain of

* In order to avoid minuteness of annotation, a general reference is here given to the "Parliamentary Papers relative to the Abolition of Slavery," and to the "Report of the Committee on Negro Apprenticeship."

the grossest violations of the Imperial Law. In Mauritius certainly, and in other Colonies also, multitudes of negroes, clandestinely imported or not duly registered, have been subjected to all the hardships of apprenticeship, although they were entitled, by the Imperial Law, to the possession of unqualified freedom from the first moment of its coming into operation. The Anti-Slavery Committee express their firm conviction, that the decision of the Privy Council in the case of the Mauritius slaves, so illegally imported and unduly registered, however it might exempt the owners from the penalties of former laws, cannot finally decide the right of these unfortunate individuals to present freedom. And in this opinion, they are confirmed by the sentiments of Lord Glenelg, conveyed in a Despatch, dated 5th August, 1835, to the Governor of that Colony.* In that Despatch, after commenting on the want of due registration, his Lordship directs that immediate measures should be taken for declaring such persons absolutely free. The Anti-Slavery Committee have no reason, however, to believe, that this imperative act of justice has yet been performed.

On the subject of classification, the Anti-Slavery Committee find, likewise, just ground to complain, not only of the delay which has occurred in some Colonies, in this necessary part of Apprenticeship Legislation, but of the positive defects and violations of the Imperial Act, which have been generally introduced into it. Among these defects may be particularly remarked, insufficient notice to the apprentices of the nature and consequences of an Act of Classification, and insufficient opportunities of appeal against it. In Jamaica, no provision was made for ascertaining the rights of non-prædial apprentices, who are entitled to their liberty on the 1st of August, 1838, until the 4th of March, in the present year, (a period of three years and a half from the passing of the Imperial Act,) when a measure most repugnant to that act was passed by the Legislature of that island, which, the Committee have recently learned with pleasure, has been disallowed. In British Guiana again,† and there is reason to believe in many other Colonies, a great proportion of negroes entitled to be classed as non-prædial apprentices, have been classed as prædials; and by this means, not only are they made liable to an unaccus-

* Parliamentary Papers, part ii. p. 214. See Appendix E.

† Vide Proclamation of 2nd May, 1834, Parliamentary Papers, part 3 (2) p. 100—105.

tomed mode of labour for two whole years beyond the period prescribed by law, but by the increased value of their term of service, additional difficulties have been thrown in the way of their compulsory manumission. The Anti-Slavery Committee deem the consideration of the case of all such illegally imported, improperly classed, or not duly registered negroes, to be of instant importance to the welfare of the Colonies, and to demand additional and persevering applications to Government and to Parliament on their behalf.

They now proceed to an examination of the apprenticeship system, and, in order to exhibit its repugnancies and defects more clearly, they will first introduce the substance of the Imperial enactments, together with Lord Stanley's celebrated comments, on bringing in, as the organ of Government, the great measure of Abolition.

On that momentous occasion, Lord Stanley (then Mr. Stanley) observed, as follows: "I propose then, that every slave, on the passing of this Act, shall forthwith have the power of claiming to be put in a situation, in which he shall enjoy all the privileges of a free man — in which he shall feel no taint of his servile condition—in which he shall be freed from the atrocious system of irresponsible corporal punishment — in which he shall have the full enjoyment of his domestic ties — in which he shall not be compelled to see those that are nearest and dearest to him insulted by punishment or liable to degradation—in which his evidence shall not be disputable in a Court of Justice—in which his right to property of every description shall be as undisputed as every other class of the King's subjects—in which he shall enjoy every right and every privilege of a free man, subject to this restriction, and this restriction only,—that he shall, for a certain time, remain under contract to labour industriously in the service of his present owner, but his then employer."*

By the 12th section of the Imperial Act, it is accordingly enacted, that subject only to the obligations of a temporary apprenticeship, British slaves, from the period of its coming into operation, should "become, and be to all intents and purposes, free, and discharged of and from all manner of slavery," and should be "absolutely and for ever manumitted;" and, that from the same period, slavery should

* Vide Mirror of Parliament, Speech delivered 14th May, 1833.

"be for ever abolished and declared unlawful" throughout the British dominions. On the subject of apprenticeship, it is in the 16th clause likewise enacted, that permission shall be given to the various Colonial Legislatures to frame such "necessary" rules and regulations, for giving effect to the Imperial Act, as should not be "in anywise repugnant or contradictory" to the Imperial Act, "or any part thereof," or otherwise the same are declared to be absolutely null and void.

From these clauses and official comments taken together, it is necessarily inferred, that every Colonial rule and regulation, which is incompatible with the substantial freedom of the negro, amounts to a violation of the spirit and intention of the British Legislature. And, the Imperial Act being essentially a remedial measure, intended to bestow an immediate benefit upon the negro—to lessen the amount of his toil—to secure and increase his personal comforts and enjoyments—and, generally, to ameliorate his present condition, it is upon the known principles of law to be construed favourably to him, so as to promote these beneficial objects; nor can any interpretation of it be sound, which would deprive him of these advantages, or reduce him in any respect to a worse situation than he occupied under a system of avowed slavery.

The Committee will now consider how far the rules and regulations, which have been framed by the Colonial Legislatures, in ostensible compliance with the Imperial Act, correspond with its real spirit and object, as explained by the then Secretary of State for the Colonial Department.

And, First, the Law respecting the amount of labour to be exacted from the apprentices.

On this subject, the Imperial Act provides,* that no prædial apprenticed labourer shall be liable, as such, to perform any labour in the service of his employer for more than forty-five hours, in the whole, in any one week; and this period of weekly service is subject to a deduction, as will be afterwards more particularly stated, in cases where the apprentice is supported by the produce of his own provision ground. The establishment of such rules and regulations as might be necessary for giving effect to this enactment was entrusted to the Colonial Legislatures. It is obvious here, that the Imperial Act, in thus fixing the *maximum* of prædial labour, did

* Imperial Act, s. 5. Vide Appendix A.

not intend to enforce its performance upon all; and, that in authorizing the Colonists to insure to themselves the punctual discharge of this amount of service where it could be lawfully demanded, it likewise designed to secure to the apprentice the full benefit of all legal exemptions previously enjoyed, and such an apportionment, moreover, of the hours of labour as should neither interfere with necessary repose, nor obstruct the quiet enjoyment of that time, which either for the purpose of subsistence or of recreation, it had declared to be emphatically his own. Yet, although the maximum of labour thus allowed by the Imperial Statute has been carefully appropriated by the Colonists to themselves, they have neglected to make adequate regulations for securing the rights of the apprentice, whose personal health and comfort, and even his means of subsistence, when derived, as it frequently is, from provision grounds, have, in most of the Colonies, been left in a great degree at the mercy of the employer. In Jamaica, by far the most important of the Colonies, it appears,* that except in the case of "Field" labour, which does not include a variety of prædial employments, no specific limitation has been put upon continuous exertion in the service of the employer; and, consistently therefore, with the letter of the apprenticeship law, the whole of the forty-five hours per week, in any other species of labour, might be exacted in succession, at the risk only of a penalty of £5. currency, (£3. sterling) on a conviction for cruelty; while no part of even this trivial sum, can be appropriated to the compensation of the aggrieved apprentice, but it must go entirely into the public treasury.†

It will be found, on reference to the laws of the other Colonies, that, with scarcely an exception, similar defects are chargeable upon them, tending to oppressive exactions of labour both by night and by day.

From this state of the law, as it regards labour, the actual condition of the apprentices, in that respect, may be easily inferred. For, as no uniform scale of labour, or sufficiently definite apportionment of time, appears to have been generally fixed by law, these very important particulars are in practice left, for the most part, to the discretion of the employer, subject, only in cases of dispute, to the decision of the special magistrate, who can rarely be acquainted with the details of tropical culture.

* Jamaica Abolition Act, s. 5. † Ibid, s. 49, 68. ditto.

It need scarcely be observed, that the absence of a more just and equitable criterion of labour has led to great abuse. In Jamaica, for instance, a mode of labour denominated, the eight-hour system, which consists in working eight hours a day for four days in the week, and eight and a half on the fifth, has been generally introduced. It is pregnant with suffering to the negro, and has proved the source of innumerable punishments. It seems, indeed, from a Despatch of Lord Sligo,* to have been persisted in by the planters, chiefly for the purpose of annoyance. Under this harassing system, the negroes are practically deprived of the use of their half-Fridays, —in other words, of much of the benefit of the four hours and a half per week (a very inadequate amount, at the best,) which the Jamaica law allows them out of their master's time to raise provisions for their own subsistence, but, upon this subject further remarks will be made hereafter. In Barbadoes,† and in British Guiana‡ respectively, a scale of labour, drawn up by planters, has certainly been introduced; but there is no reason to believe, that in either of these Colonies, the interests or comfort of the apprentices have been fairly considered. In the latter Colony, indeed, the enforcement of this scale, has been a frequent and just source of excitement to the apprentices, and was, in one instance, the cause of inflicting upon them the severest penalties of riot and insurrection. On this subject, it is expressly admitted, by the Governor of British Guiana, that "wherever complaints have been made against the labourer, it has appeared, on investigation, that (in nine cases out of ten) it has been the quantum of work attempted to be exacted from them, and not to labour itself, that the labourers have objected."§ And in every other Colony, where, as in Jamaica, the apportionment of labour has been left open, the convenience or the caprice of the planter, it is to be feared, has been too generally preferred to the necessities and the welfare of the apprentice.

In the mean time it must be recollected, that the entire non-prædial class of apprentices—comprising a numerous body of labourers and artizans, besides domestic servants—are still left, without restriction, to the customary labours of slavery, protected only by the discretion of the special magistrates in cases of cruelty; and, although the ordinary privileges and exemptions of slaves ought,

* Parliamentary Papers, part iii. p. 72. and Appendix G.

† Ibid, part iii. (ii.) p. 20. ‡ Ibid, part ii. p. 152. § Ibid, part ii. p. 173.

in such instances at least, to be fully accorded, yet these often-disputed advantages have been scarcely in a single Colony specifically secured to them by the apprenticeship laws. In the Bahamas, on the contrary, all slave laws and usages heretofore established for the protection of able-bodied negroes, have been expressly repealed.*

It will be unnecessary to allude more particularly to the extreme hardship to the apprentice in every case, but especially where his subsistence depends on the cultivation of provision grounds, of having no definite time which he can call his own,—to the easy frauds that may be practised upon him by an irregular apportionment of the hours of labour—and to the means of oppression incident to the power of enforcing unmeasured and unbroken labour, during a period, which, in some cases, might extend to forty-five hours,—in order to prove, that regulations so defective, and so inevitably leading to mischief—are utterly at variance with the spirit of the Imperial Act, and require to be instantly amended.†

Secondly, the Law respecting food and other maintenance and allowances.

On this vital topic, the Imperial Act requires, that during the term of apprenticeship, the same food, clothing, lodging, medicine, medical attendance, and such other maintenance and allowances, as by any law in force in any Colony, the negro when a slave was entitled to, should be hereafter supplied; and likewise, that in case of his being maintained by provision ground, an allotment, both in quantity and quality, and at a reasonable distance, together with an adequate portion of time for cultivating the same, should be provided; and likewise, that regulations should be framed, by the Colonial Legislatures, for securing punctuality and method in the supply of food and other allowances, and for fixing the amount and quality of the same, where either no regulation then existed, or no *adequate* regulation for that purpose; and for preventing and punishing frauds, or omissions and neglects in quantity, quality, or time of delivery; and also, for fixing the extent of provision grounds, their distance from home, and the time to be allowed by the master for their necessary cultivation.‡

In this enactment, it deserves particular notice, that the Imperial

* See Bahamas Abolition Act, s. 1.

† For a variety of Documents on the subject of Labour vide Appendix G.

‡ Vide Imperial Act, s. 16. Appendix A.

Act contemplates the possibility of the existing Colonial regulations proving inadequate. And in that case, it specially enjoins, that new and adequate regulations shall be made. It will be proper to recur to several particulars of this important enactment, for the purpose of shewing the defective character of the Colonial regulations framed in pretended compliance with it.

On the subject of "allowances," the Anti-Slavery Committee deeply regret to find, that the Jamaica Legislature availing itself of an ambiguity in the Imperial Act, instead of construing it (as it ought to be construed) favourably to the apprentices, has enacted a law,* under colour of which, the planter is enabled in that Colony to withdraw a variety of "customary allowances" of the utmost importance to their welfare. Some of these, such as salt and salted food, are deemed absolutely necessary to health in a tropical climate; and others, such as water, and cooking for gangs of apprentices labouring in the field at a distance from home, are absolutely demanded by common humanity. With respect to all those "customary allowances," which experience has shewn to be necessary, it is needless to inquire into technical language, since they are certainly included in the general terms of the Imperial Act, which requires, that "*adequate*" provision shall be made; and, if a former regulation did not practically comprise them, it was and still is, the immediate duty of the Jamaica Legislature to make such new regulations as shall secure them for the future.

Following the example of Jamaica, many of the other Colonies, there is reason to fear, have to a great extent practically withdrawn the customary allowances of slavery.

As it regards provision grounds,—(the granting of which, is a very general method of maintaining the apprentices in Jamaica,)—the law of the Colony leaves this means of subsistence open to most of the practical abuses which it was the intention of the Imperial Legislature to prevent. For instance, it fixes neither their quantity, their quality, nor their distance from home, all of which particulars are referred to the discretion of the employer.† And the law which purports to provide for the adequate cultivation of these grounds, not only limits the time for that purpose, to the very inadequate period of twenty-six days per annum, but allows the employer to apportion this time in such a manner, that, either by dividing it into minute

* Jamaica Abolition Act, s. 16. † Ibid, s. 45, 46.

fractions, for his own accommodation, or by allotting it only at seasons unfavourable to cultivation, he may reduce the apprentice and his family to a condition bordering on starvation.* The extreme mischief of this arbitrary discretion, will be more particularly seen from its connexion with the eight-hour system of labour, which (as Lord Sligo himself remarks,†) deprives the negro of all power of applying himself to the cultivation of his grounds, during the time specially given him for that purpose. The Jamaica law, moreover, makes no adequate provision for the punctual delivery of food and clothing; it omits all specific notice of lodging (notwithstanding the severe regulations which confine apprentices to the estates), and the medical aid it affords to sick apprentices, better deserves the name of prison discipline, than that of relief in the estate hospital.‡ The Jamaica regulations have been longer dwelt upon, both on account of their extreme importance, and the great extent of this Colony.

The Anti-Slavery Committee now proceed to the regulations of other Colonies; and, first, of the Crown Colonies:—British Guiana, Trinidad, St. Lucia, Mauritius, and the Cape of Good Hope.

On examining the various ordinances, and orders in Council, relative to these Colonies,§ it has been matter of great surprise to find, that the amount of food and clothing therein provided for apprentices, falls considerably short—(to the extent of more than one half in respect of farinaceous food)—of that, to which as slaves, they were entitled under the Order in Council of November 2nd, 1831. This will distinctly appear from the Tabular Statement introduced into the Appendix.‖ It is true indeed, as it regards British Guiana, that a subsequent Order in Council,¶ may be pleaded as an apology for this diminution; but on reference to the latter order, and to the tariff published under its authority, no doubt can be entertained of the invalidity of that tariff, nor of the rights of the apprenticed negro to the full benefit of the original order. The indefinite language of the Cape of Good Hope Ordinance, renders it impossible to express an opinion on the specific allowances of that Colony;** but it may

* Jamaica Abolition Act, s. 47. † Parliamentary Papers, part. 3. (1) s. 72.

‡ Jamaica Abolition Act, No. 2, s. 8.

§ Vide Parliamentary Papers, part 2, continued, in respect of each of these Colonies.

‖ Vide Appendix H. ¶ Vide Order in Council of 6th November, 1832.

** Parliamentary Papers, part 2, continued, No. 522.

be observed generally, that the proprietors of apprentices in that Colony, taking advantage of the permission accorded to them, by an Order in Council, of classing the entire slave population as non-prædials, and thus of appropriating the whole of their time, and reducing them to a bare individual allowance, have contrived to secure likewise the services of a great proportion of the free children, who, in order to prevent starvation, have been subjected to a similar apprenticeship until they attain the age of twenty-one years. Justice, however, demands that an artificial destitution, thus unadvertently created by an Order in Council, should not, at a future period, be visited upon these helpless children as a crime; and that a confessedly hard and ill-remunerated servitude, secured by such dishonourable means, shall not be permitted to continue beyond the period of the parent's apprenticeship. In the mean time, a serious responsibility rests upon those persons, who advised the Crown to sanction regulations, reducing the allowances of the negroes in the Crown Colonies, below the slave standard, in direct contravention of the letter and spirit of the Imperial Act. With respect to the remaining Chartered Colonies, the Committee are not prepared to aver, that the regulations made in them respectively, do not generally correspond with the provisions of the former slave law; but they rely confidently on the terms of the Imperial Act, which requires, that however imperfect former regulations may have been, they shall in future be made adequate to the real necessities of the apprentice. On this subject, therefore, they will appeal to the provisions of the general order in Council, of 1831, above alluded to, and likewise to those of the Jamaica Slave Law.* These documents will be seen in the Appendix;† and from them, as compared with existing regulations in many Colonies, it will appear, that in respect of farinaceous food,—one of the chief articles of a negro's subsistence,—the present ration for a labouring apprentice, is less than one half of that which was formerly allowed to an imprisoned slave. It is true, indeed, that this comparison is made between the regulations of different Colonies; but no humane person can admit, that a *few handfuls* per day, of unground corn or of beans can, in any Colony, be a sufficient allowance for an adult human being; nor that emancipated negroes, labouring beneath a

* Slavery Law, s. 52. † Vide Appendix II.

tropical sun, are suitably provided for, by one half of the sustenance of an incarcerated felon slave.

It will be unnecessary to expatiate on the actual condition of apprentices, fed, clothed, and provided for, by regulations so utterly inadequate as these; and who are abandoned in so many respects of vital importance to their well being, to the humanity and discretion of their employers. A more specific summary, however, of the food and other necessaries allowed in different Colonies introduced into the Appendix, will prove, that the condition of the negroes in many of them, even supposing that the articles therein enumerated are scrupulously supplied, is but little removed from destitution. In the mean time it will be proper to remark, that in addition to the scantiness of these supplies, a dangerous power is reserved in different Colonies of varying the mode of feeding at short intervals, and likewise of commuting food, for additional time, provision ground, or money; and that punctual rules of delivery appear to be generally neglected. The employer's power of arbitrarily interfering with the time allowed for the cultivation of provision grounds (to say nothing of mulcts of time by way of punishment) adds unspeakably to the hardship of the apprentice; and the withdrawment, in a vast number of instances, of "customary" allowances deemed necessary, even in a condition of slavery, completes the measure of those grievances to which he is exposed, under this most essential, but at the same time, most defective branch of apprenticeship regulations.*

The third head of inquiry, comprises the law respecting punishments that may be inflicted respectively on apprentices and on employers. It was obvious, that a system of apprenticeship, which should withdraw from the labourer the ordinary stimulants to exertion, would require peculiar rules of coercion on the one hand, and of protection on the other; but it might have been expected, in such a case, that the punitive and protective enactments, would have been put upon an equal footing, and that every expedient which the law could apply to mitigate the hardships of the apprentice would have been brought into requisition; the most cursory examination of the Colonial regulations on this subject will shew however, that this has not been done. In the first place, the Anti-Slavery Committee discover a pervading and a flagrant want of reciprocity in respect to the nature, the amount, or the application of the penalties

* For a variety of documents relating to food, allowances, &c. see Appendix H.

respectively inflicted on apprentices and on employers; a manifest inadequacy when inflicted on the former, and a strangely contrasted appropriation, in many instances, as to both. Slight fines imposed on the employer are frequently applied (in Jamaica universally)* to the use of the public, and consequently afford no compensation whatever to the injured apprentice; while heavy punishments inflicted on the apprentice are applied, or applicable generally to the use of the master, and a vagueness of classification exists both as to apprenticeship offences and punishments, which offers temptations to the greatest abuse of magisterial authority, and renders the whole of the punitive provisions of the Colonies disgraceful to penal legislation.

The Anti-Slavery Committee most emphatically object to the principle of appropriating penal labour to the use of the employer, as being vicious in the extreme, since by removing all check upon vindictive feelings, and giving to the employer a direct interest in the real or imputed delinquency of the apprentice, it tends incalculably to augment the aggregate of punishment.

In examining this class of laws in Jamaica, it appears, that the authority of the special magistrate over the apprentice for breach of duty, extends to six month's imprisonment,† to fifty stripes,‡ to the power of depriving him of fifteen hours labour in any week, during the whole period of the apprenticeship, and even of indefinitely prolonging his services beyond its ordinary termination; whereas his authority over the employer, extends only to a penalty of £5. currency, or five days' imprisonment;§ which, moreover, he is not required but only *empowered* to inflict.

Cases of *omission or neglect* of duty on the part of the employer, by far the most likely to occur, and, therefore, particularly noticed in the Imperial Act, are not specifically punished nor adverted to by the Jamaica law. On the other hand, offences of this class committed by the apprentice, may be visited with the most unjustifiable punishments. For instance, the offences of indolence, or neglect, or improper performance of work, are punishable by a single magistrate with fifty lashes, or three months imprisonment, to hard labour, and in addition to such flogging or hard labour, the forfeiture of any such number of hours or days of the apprentices' own time for the

* Vide Jamaica Abolition Act, s. 68.

† Ibid, No. 2, s. 20.

‡ Ibid, No. 2, p. 18, 19.

§ Ibid, No. 1, ss. 30. 21.

benefit of the employer, as the justice of the case may seem to require ;* and, again, for the shortest possible unexplained absence (even for five minutes) from the employer's service, one whole day may be taken from the time appropriated to the apprentice's own subsistence,† only one half day per week, as before observed, being allowed him for that purpose. In Jamaica, again, the ambiguous offence of insolence (however provoked) is punishable with a fortnight's imprisonment, to hard labour, or with thirty-nine lashes ;‡ simple *carelessness*, merely endangering property, is punishable with three months imprisonment, to hard labour, or with fifty lashes ;§ and drunkenness, (even though not in the employer's time,) is punishable with the forfeiture of four days labour to the employer, or with twenty lashes, and for a second offence within one month, with double punishment ;‖ while by a subsequent sweeping clause, all other inferior misdemeanors than those specified in the act, whether committed by apprentices against each other, or against their employer, or against any other person, are punishable by a single magistrate with fifty lashes ; or by imprisonment to hard labour for three months ; or by solitary confinement for twenty days.¶ An amending act, which has received the sanction of the Home-Government, enables any special magistrate to substitute any given *number* of hours of work on the tread-mill in any house of correction, or otherwise, for any *of the punishments* imposed by any act on apprenticed labourers, as he *in his discretion shall consider necessary and proper*.** And as a suitable climax to this species of legislation while the strongest temptation is held out to the employer by the appropriation of penal labour to his own use, to prefer charges against the apprentices, and no punishment is inflicted upon him even for charges which prove to be perfectly groundless, yet the apprentice, in a similar case, if he bring a charge, however true, which is deemed "frivolous," is punishable by double the loss of time to his employer, or by twenty lashes; and where mutually frivolous charges are brought against each other, by employer and apprentice, the apprentice might be punished doubly, first, as the frivolous complainant himself, and next, as the defendant on a

* Vide Jamaica Abolition Act, No. 1. p. 22, 26.

† Ibid, s. 30.

‡ Ibid, s. 44.

§ Ibid, s. 44.

‖ Ibid, s. 29.

¶ Ibid, s. 28.

** Ibid. No. 2, s. 22.

frivolous charge being brought against him, while the employer escapes punishment in both instances.*

The law of Barbadoes, exhibits most of the glaring defects already pointed out in the Jamaica law, and punishments there, as in the latter Colony, are multiplied without necessity, and stretched beyond their due limits. Absence from labour a second time, for a single hour, in Barbadoes, is punishable by one month's imprisonment, to hard labour, or by one week of solitary confinement, or by twenty lashes;† and the offender must likewise make good to the employer the time so spent in prison; thus, for the loss of a single hour to his employer, an apprentice may be deprived of a longer period than is by law allowed him for working his own provision ground during two whole years,—in addition to the hardships of imprisonment and penal labour during his confinement; while the employer, who wrongfully takes an hour of the apprentice's time, is subjected by the same law to the trivial penalty of one shilling. In Barbadoes, again, the offence of drunkenness, of quarrelling, using obscene language, cockfighting, or gaming, though not committed in the employer's time, are punishable by one month's hard labour, or fourteen days solitary confinement, or by twenty lashes, or by the whole of these punishments taken together, and the loss of time incurred by the apprentices' imprisonment must afterwards be made up to the master.‡ These punishments are quoted, as specimens of the enactments of two Colonies. Whether they be inflicted or not to their full extent, they manifestly invest the magistrate with an authority liable to the greatest abuse, and are utterly repugnant to the spirit of the Imperial Act.

To enumerate the various enactments of a similar character in the remaining Colonies is impracticable in this publication; but it may be observed generally, (and without excepting the Crown Colonies from much similar censure) that in a greater or less degree, they all exhibit a like unwarrantable severity and disproportion, both as regards the nature of the offences themselves, and the punishments inflicted on masters for corresponding wrongs. It must likewise be added, that in a variety of particulars, most important to the welfare of the apprentices, and further noticed in the Appendix, the penalties inflicted on employers under the Apprenticeship Laws, fall far short

* Vide Jamaica Abolition Act, s. 40.
Barbadoes Abolition Act, p. 58, 58. ‡ Ibid, s. 67.

of those by which similar instances of misconduct were punished under the slave system.*

In considering the actual condition of the apprenticed labourer under this division of law, the fearful amount of punishment which can still be inflicted upon him, must strike every reflecting mind, as one of the most revolting features of the apprenticeship system. In transferring the power of punishment from the planter to the special justice, it was anticipated, that the sufferings of the negroes, in this respect at least, would have been greatly diminished; but, it is matter of equal surprise and concern, to find that the negroes have been benefitted so little by the change. Though transferred to other hands, and employed in a somewhat different manner, the old accompaniments of slavery, the whip, the stocks, the chain, the iron collar and penal gangs, together with the more dreadful torture of the tread-mill, and the secret discipline of Colonial Prisons, are in active operation; while to these must be added, the yet more frequent mulcts of the apprentices own time, which, under the systematic appropriation of penal labour above alluded to, are continually inflicted upon the unhappy offenders, and contribute lamentably to increase the sum total of punishments.

In a tabular view of the punishments inflicted on apprenticed labourers in Jamaica, Barbadoes, British Guiana, Grenada, and St. Lucia; the Anti-Slavery Committee find, that during the first twenty-two months of the apprenticeship, there was a total of 99,440 punishments, videlicet 17,324 by flogging, amounting to 359,079 lashes,—and 82,116 by imprisonment, with hard labour, —by penal gangs, and working in chains,—by extra labour on estates,—by the tread-mill,—by the stocks,—by the dark cells,—by solitary confinement,—by fines, and other punishments.

In St. Kitts, Nevis, St. Vincent, Mauritius, Montserrat, Trinidad, Honduras, Tortola, Dominica, Tobago, Bahamas, and the Cape of Good Hope, for periods averaging from nine to twenty-one months, according to the returns made to parliament, there were not less than 34,817 punishments, viz. 11,628 by flogging, amounting to 215,096 lashes; and 22,049 otherwise than by the lash;† thus it appears, that in a very limited time after the commencement of the apprenticeship, 134,257 punishments were inflicted, viz. 28,952 by flogging, amounting to 574,175 lashes with the cat. and 104,165

* Vide Appendix I.

† The nature of the 1140 punishments at the Cape of Good Hope are not specified.

by mulcts of time, the tread-mill, the penal gang, and other punishments.*

It may be even doubted whether this aggregate is complete; but, adopting it as correct, and hypothetically admitting such an amount of punishment to be necessary, what shall be said of a system of labour which can be perpetuated only at so dreadful an expense of human suffering?

Before this subject is dismissed, it would have been more satisfactory to have been able to present the aggregate of punishments inflicted upon employers, for wrongs committed by them upon apprentices; but the tables published by Parliament are insufficient for that purpose. Periodical returns from Jamaica, have, indeed, been transmitted to this country, portions of which, will be introduced into the appendix, not only for the purpose of exhibiting a want of reciprocity in punishments already noticed, but likewise as evidence of a great practical evil arising out of the loss of compensation to aggrieved apprentices—a consequence, which appears to have escaped the attention of the Parliamentary Committee, when making their report on this part of the subject. But even were this evidence wanting, still the deep sense of injustice which a great disproportion in punishments must necessarily occasion, would be a practical evil in itself, not unworthy of legislative notice. These observations apply more particularly to Jamaica, where the trivial fines inflicted on the employer are forfeited to the public treasury, and where a proviso reserving to the aggrieved apprentices the right of seeking compensation before the ordinary tribunals, must for the present, be considered, in most cases, as a mere nullity.†

The fourth head of inquiry, is the law imposing unnecessary restraints upon apprentices, and allowing imprisonment for safe custody on estates. On reference to the Imperial Act, it will appear to have been its obvious design, to exempt apprentices from every species of unnecessary and irresponsible restraints and punishment, and to give him at once, in all but his apprenticeship capacity, the rights and protection of a free man. These objects have been frustrated by various Colonial enactments. In Jamaica, for instance, a summary power is given to estate constables, acting under the

* Vide various returns in the Parliamentary Papers.

† For Documents relating to Punishments vide Appendix I.

direction of the employers, of imprisoning any apprentice belonging to the estate, or found loitering thereon, for twenty-four hours, on suspicion of any offence; and this imprisonment may be indefinitely prolonged at a slight risk of a trivial fine for any flagrant abuse.* It is easy to discover in this regulation, not only a means of vexatious interference with the apprentice's own time, but also a virtual restoration to the employer of the power of punishing for minor offences. In the same Colony, an apprentice is prohibited, except in certain specified cases, from going beyond the bounds of the "plantation" without a written pass from the employer, under pain of punishment as a vagabond.† The Anti-Slavery Committee feel more strongly on this point, because it is not only repugnant to the spirit of the Imperial Act, but at variance likewise with the draft Order in Council, sent out as a model to the Colonies. As the law now stands, it operates as a virtual imprisonment on the plantation, both by day and night, and is not only calculated to produce the most injurious effect on wages for extra labour, in the apprentice's own time, but likewise to interfere seriously with the undoubted right of communication between husband and wife, parent and child, and other near relations, often residing on different plantations. In Barbadoes, an apprentice going beyond the "district" in the leisure hours of any working day, for the express purpose of lodging a complaint against his employer, without the employer's pass, even in case of his refusal to grant one, is in like manner punishable as a vagabond.‡ In St. Christopher's, the case, as to safe custody, is still worse, for there, not only is the employer authorized to nominate any of his apprentices as estate constables, but also, without summons or warrant, to apprehend any apprentice, on any charge, and to keep him in custody, until he can be brought to justice; and any apprenticed constable who shall not promptly execute the orders and directions of the master, may, on conviction of neglect or *reluctance*, be punished with any one or more of the enormous punishments specified in an act of the same Colony, for breach of any apprenticeship duty. Thus may the humanity of a special constable towards his fellow-apprentices be deemed a crime, and subject him to very severe punishment. Similar objections exist to the virtually irre-

* Vide Appendix A. Jamaica Abolition Act, s. 39. † Ibid, s. 27.

‡ Barbadoes Abolition Act, ss. 89, 95.

sponsible power of restraint and punishment bestowed on employers by the laws of the Colony of Nevis,* Dominica,† St. Vincent,‡ and most of the chartered Colonies; and, even in the Crown Colonies, the Committee perceive that various restraints have been put upon apprentices, tending to diminish their personal comfort, and to interfere with the profitable employment of their leisure time.

The actual condition of apprentices under this law, is too apparent to require further illustration. It cannot, however, escape remark, that it ill accords with the spirit of the Imperial Act, and with the comment which guarantees to the apprentice the enjoyment of "every right and every privilege of a free man, subject to this restriction, and this restriction only, that he should be under a contract to labour industriously for his employer."§ And it must be apparent, that if under any circumstances it be safe to entrust the employer with the power of arresting and detaining his apprentice, an authority so dangerous, ought at least, to be strictly confined to cases in which free men would be equally liable.‖

It is with deep concern, that the Anti-Slavery Committee now advert to the fifth head of Colonial Law, namely, the special disadvantages of females, of children, and of aged persons, under the apprenticeship system. To elucidate this subject, it will be necessary, in the first place, to refer to the Imperial Act, in order to shew, how that remedial measure, has been made the means of greater suffering to those helpless individuals than they formerly endured. It has been already stated, that the Imperial Act awarded a general maximum of forty-five hours of labour to the employer, leaving the legal or customary exemptions from this amount of duty to be settled by Colonial regulations. In examining the laws of the various Colonies, there will be found no specific mention or adequate provision made, for the cases comprised under this head; so that even pregnant women, infirm old men, and children, appear to be now liable under the general terms of apprenticeship law, to perform the same description of labour, and for as long a period as their more athletic companions, protected only by the general discretion bestowed on special magistrates, and by a trivial penalty which may be inflicted

* Constabulary Act, 31st July, 1834. † Ibid, s. 31, 39.
‡ Abolition Act, s. 38, 29. § Vide Ante, p. 2.
‖ For Documents relating to unnecessary restraints vide Appendix K.

by them, on convictions for cruelty.* It is impossible not to perceive in this legislative omission, a practical resumption of the privileges enjoyed in slavery by a class of negroes who have the strongest claims on our sympathy.

In the Crown Colonies, it appears, that under the Order in Council of November 2nd, 1831, no female known to be pregnant, and no slave below the age of fourteen, or above the age of sixty, could be compelled to perform more than six hours per day of any agricultural work or labour, and of this labour, none whatever could be enforced in the night. The utmost amount of agricultural labour, therefore, to which these prædial slaves were liable, was thirty-six hours per week; whereas, under the apprenticeship law, the same description of persons are now compellable, unless a special magistrate shall think fit to mitigate their labour, to perform forty-five hours per week, and even the repose of the night is not secured to them.

In Jamaica, under the slave law, mothers of a certain number of children, and aged and infirm persons, were exempted from hard labour;† and in addition to other humane provisions, peculiar indulgences, together with nurses, were customarily allowed to mothers of infant children labouring in the field. The extent to which these customs of slavery were adopted, in the other chartered Colonies, does not distinctly appear; but it is matter of just censure, that they have not been specially introduced into the apprenticeship law; and of deep regret, that instances are but too common, in which they have been practically withdrawn. It must be admitted however, that this inexcusable defect has to a certain limited extent, been counteracted in Jamaica, by a special instruction to magistrates to use their discretion in such cases. The condition of this description of apprentices, in various respects, even in that Colony, must still be considered however, as being much worse than it was before. As it regards females, indeed, the charge against Jamaica, is not confined to the withdrawal of the privileges they enjoyed in a state of slavery:—it extends to the infraction of one of the most stringent provisions of the Imperial law, namely, the prohibition to flog females. In defiance of this positive injunction, a legal quibble has been invented, by means of which, under colour of prison discipline, females have frequently been, and may

* Vide Parliamentary Papers, part iii. (2) pp. 194, 195.

† Vide Jamaica Slave Law, s. 17.

still be flogged for the commission of apprenticeship offences.* If any thing were wanting to prove the determined hostility of the Jamaica Legislature to the wise and beneficent intentions of the Imperial Act, it would be the indisposition they have shewn to provide an adequate security against this crying abuse.† It will be needless, assuredly, to dilate upon the actual condition of this suffering class of apprentices, whose peculiar hardships will be adequately understood, from a simple statement of their legal liabilities; but it is impossible to abstain from commiserating more especially, on the lot of those unhappy persons, whose age or infirmities preclude the hope of their surviving to enjoy a compensation for the additional hardships which they now endure. ‡

The sixth topic of consideration, is, the law of compulsory manumission, and the constitution of courts of appraisement. On this subject, the regulations of the Colonies differ considerably from each other, but in certain respects, they appear to be universally defective. In Jamaica, the power of appraisement is virtually entrusted to two Colonial magistrates, associated with one special,—the apprentice not being permitted even to select the special magistrate who is to act for him; so that in truth, the apprentice is to be appraised by persons having a direct interest in enhancing his price.§ The method of adjudication in the Crown Colonies is more equitable; and, in the remaining Chartered Colonies, regulations compounded of the two methods, but more nearly resembling that of Jamaica, have been introduced. The Jamaica method is grossly inequitable, and ought not to be longer tolerated. But, besides these defects of method, there exists a strong objection to the principle of valuation throughout the Colonies, namely, that no fixed basis of calculation, derived from the average value of the negro when a slave, has been adopted; and the apprentice, therefore, is now assessed at an improved value, consequent upon the act of abolition!

The actual result of this defective legislation, is admitted on official authority to be, that undue and excessive valuations have, in

* Parliamentary Report, p. 35. Appendix thereto p. 26. and Appendix L to this Statement.

† See Lord Sligo's Message in Appendix L.

‡ For documents relating to the treatment of females, &c. Vide Appendix L.

§ Jamaica Abolition Act, p. 9, 13.

many instances occurred, and obstacles are frequently thrown in the way of compulsory manumission.*

The Anti-Slavery Committee will now consider the last division of their subject, namely, that of Colonial law which relates to the powers and protection of special magistrates. The vast importance of this subject is apparent from the nature of the duties and responsibilities devolving upon a body of individuals who are entrusted with the general administration of the new system,—upon whose efficiency and impartiality its practicability mainly depends,—and who are assailed, at the same time, by temptations from various quarters, to abuse their functions. It is plain that persons so peculiarly situated, require at the same time, peculiar protection and peculiar control; yet here, as in the case of the apprentices themselves, there is great reason to complain of one-sided legislation. The extravagant power of these functionaries over the apprentices, and their limited authority over the employers, together with the practical mischiefs arising out of this inequality, as already noticed, seem to be completely at variance with the express design of their appointment, which was the special protection of the negro. On the other hand, experience has shewn, that no adequate means have yet been provided for the protection and support of special magistrates in the upright discharge of their onerous and invidious duties. The chief object of their appointment,—an object difficult, if not impossible, under any circumstances, to accomplish,—has been rendered unattainable, by a parsimony which places these officers, even in the performance of their functions, under necessary obligations to Colonial hospitality, and by the absence of an impartial tribunal, which can alone afford them a sufficient security against the ruinous effects of Colonial prejudice and persecution. It does not indeed, appear a superfluous apprehension, that the authority of special magistrates, exposed alternately to corruption and intimidation, may become in many instances, a cloak for oppression, and thus render the sufferings of the apprentices more intolerable, by giving them a legal sanction.

In considering the practical results of this defective branch of law, it will be merely necessary, to allude to repeated instances of humane magistrates, who have been compelled to relinquish their

* Parliamentary Papers, part iii. (1) p. 346, and vide Despatches from other Colonies, and Appendix M.

situations in alarm and disgust;* and to others, of an opposite character, who have received the caresses of the Colonial community, and been encouraged by valuable presents;† and further to remark, that the general sentiment of West Indian Society appears to be accurately expressed in the report of the Jamaica Commissioners, appointed to investigate the conduct of a special magistrate, who upon that report was afterwards suspended by the Governor, viz. that to administer the apprenticeship law *in the spirit of the English Abolition Act*, is incompatible with the peace and prosperity of the Colonies.‡

In concluding these comments on the Apprenticeship Laws and practice, the Anti-Slavery Committee desire to state, that in arranging their evidence under general heads of objection, it is not their intention to affirm, that every individual objection applies with equal force to every Colony; nor, that there were absolutely no exceptions to general charges; but they express their deep conviction, that in every Colony into which the Apprenticeship Law has been introduced, classes of objections have been proved, of sufficient magnitude, to justify a general charge of extreme repugnancy to the Imperial Act of Abolition, and gross violation of both its letter and spirit. The law of Honduras, indeed, is so utterly anomalous and repugnant, that it requires an especial notice. In that Colony, the apprenticeship regulations are reduced to a simple law for the coercion of labour, while all that relates to the food, clothing, lodging, labour, and protection of apprentices, is left to a mere "understanding" on the subject with the employers; who virtually possess likewise, the power of fixing the value of the apprentice, in cases of compulsory manumission. The Anti-Slavery Committee would further observe, as a fact in evidence, which decides the animus of the Colonial Legislatures, whose deliberate measures afford the best criterion of the faith of the Colonies, that evasive and repugnant as these laws still appear to be, they are in truth, much improved editions of the laws originally prepared by them; many of the amendments now introduced, having been obtained with no little trouble, and

* Dr. Madden, Dr. Palmer, Captain Oldrey, and others.

† Vide Report on the Apprenticeship, p. 379.

‡ Vide Report of Commissioners appointed by Sir Lionel Smith, to inquire into the mal-administration of justice generally between master and apprentice, in the Parish of St. Thomas-in-the-Vale, 22nd Oct., 1836. Vide also Appendix N.

after various significant intimations from the Colonial Office. And in reference to the practical effects generally of such laws, they would reiterate a sentiment expressed in a former publication, that even if such positive proofs as have been already given, had not been at hand, still the principles of human nature operate in a manner much too uniform, to leave the least doubt of enormous practical evils arising from so defective a system of legislation;* and could a more lenient administration be even imagined, than experience has shown to exist, it must be recollected, that the generosity of the nation was not taxed in order to purchase the forbearance of the planters, but to secure the substantial freedom of the negroes, and to place them hereafter within the safeguards of the constitution.†

It is not the intention of the Anti-Slavery Committee, in this publication, to enter at large into evidence which does not peculiarly relate to the apprenticeship system; but they cannot proceed to another division of their subject without remarking, that additional evidence, was given before the Parliamentary Committee to shew the general neglect of education by the Colonial authorities, and the defective nature of the marriage laws; and likewise to prove the existence of a class of vagrancy,—police,—and other laws, recently introduced into the Colonies; which, under the mask of preserving the public peace, and promoting industry and good conduct, are really preparing, to reduce the nominal free men, once more to the condition of serfs, at the termination of the apprenticeship. Nor can they sufficiently express their alarm at the appearance of these insidious laws, nor their sense of the immediate necessity of adopting measures to counteract their pernicious operation.

Having thus briefly examined the Colonial Laws purporting to give effect to the Imperial Act of Abolition, and glanced at the actual condition of the apprentices under those laws, the Anti-Slavery Committee, cannot but deeply regret, that regulations and practices so obviously inadequate and oppressive, should by any constitutional authority, have been deemed a fulfilment of the intentions of the

* Report on the Apprenticeship, Appendix, p. 101, and also the opinion of Lord Goderich, in the Appendix to this publication.

† For additional facts illustrative of the whole case, reference is again made generally to the Parliamentary Papers, to the Parliamentary Report on Negro Apprenticeship, and to the Appendix to this Report.

Imperial Legislature. They will not inquire by what extraordinary means the hasty sanction of the Crown to such a system was obtained, but they do not hesitate to declare, that a sanction so ill-bestowed, ought not to be, and cannot be considered as final. The disparity which appears between the benevolent design of the British Parliament, and the objectionable means adopted by the Colonies to give effect to it, will be plainly perceived on the most cursory perusal of the previous statement. The Anti-Slavery Committee refer to the Imperial Act, and they find, that its grand object was, the utter extinction of slavery throughout the British dominions, to which the apprenticeship system was but ancillary, and could not be intended to be repugnant. They observe, that the Imperial Act, bestows the boon of immediate and unconditional freedom upon a certain description of slaves therein specified, and that in postponing the unqualified freedom of the remainder, it expressly guarantees to them, a state of transition, in which they shall feel no taint of their servile condition—in which they shall be freed from the atrocious system of irresponsible corporal punishment,—in which they shall have the full enjoyment of their domestic ties,—in which they shall not be compelled to see those who are nearest and dearest to them insulted by punishment, or liable to degradation,—in which they shall enjoy every right, and every privilege of free men, subject to this restriction, and this restriction only, that they shall for a certain time remain under contract to labour industriously in the service of their former owners.*

The Committee turn from this not unpleasing picture, to the painful reality, and ask, whether promise ever more completely disappointed expectation? They find those slaves for whom immediate and unqualified freedom was intended, still suffering all the hardships of apprenticeship, and the remaining part of the negro population, whose substantial freedom had been guaranteed under the name of apprenticeship, enduring most of the practical evils of slavery. In the fourth year of this apprenticeship, it has been ascertained, that no adequate measures have been taken to secure the freedom of thousands of slaves in the Mauritius and elsewhere, whose liberty, the Imperial Act had pronounced, from the moment of its coming into operation.—No adequate laws have yet been passed to secure a true and impartial classification of ap-

* Vide Mr. (now Lord) Stanley's Speech already referred to at page 4.

prenticed labourers throughout the Colonies, and multitudes, therefore, may be defrauded of their liberty, and made to endure all the pains of compulsory servitude for two whole years beyond the period prescribed by law.—No adequate provisions have been made to prevent apprenticed labours from being over-worked,—from being deprived of sufficient consecutive repose,—from being defrauded of their own time, or having it frittered away at the caprice of their employers.—No adequate laws have been promulgated to secure to apprenticed labourers a sufficient and punctual supply of food, while the customary and even necessary allowances of slavery are to a great extent withdrawn. In the Crown Colonies, farinaceous food is reduced to less than one-half of the slave allowance of 1831, and clothing is reduced in various particulars below the same standard. In many of the Chartered Colonies, a few handfuls of unground corn or beans, is the daily stint of an adult labourer; whilst free children are thrown upon their parents' pittance, for support, and if declared to be destitute, may be apprenticed in like manner. When apprentices are fed by allotments of land, and time to cultivate it,—the land is often allotted at remote distances,—and the time may be apportioned in minute fractions, or at unfavourable seasons to suit the convenience of the employer.—No adequate provision has been made in many Colonies, to secure tolerable lodgings for the apprentices, who, after the toil of the day, are often huddled together in wretched habitations, to the great deterioration of their health and morals, and in comparative destitution of culinary and domestic accommodations.—No adequate regulations exist for securing to apprentices requisite medical aid, and in point of fact, estate hospitals, are too frequently converted into prisons, and sickness treated as a crime. No adequate measures have been adopted to secure justice to the apprentices, nor to protect them from injustice and cruelty.

Apprenticeship offences are punishable with dreadful severity, while those of the master are easily expiated. The punishment of the apprentice, is usually appropriated to the benefit of the employer, that of the employer, is rarely applied as a compensation to the apprentice. Furthermore, no adequate laws have been adopted to protect the apprentices from being imprisoned by their employers in loathsome dungeons, and for indefinite periods, under pretexts of safe custody; from unreasonable restraints on locomotion, they may be prevented from seeking extra employment, attending on public

religious duties, and even from maintaining a proper communication between husband and wife, and nearest and dearest relations, who often reside upon different properties. The hardships of females, aged persons, and children, in most of the Colonies, but especially in the Crown Colonies, have been greatly increased, not only by the general reduction of food and clothing, secured to them by the Order in Council of 1831, but likewise by the imposition of additional labour, to the extent of one-fourth beyond the amount required in a state of slavery. In Jamaica, wives, daughters, mothers, and sisters, have been flogged, and may still be flogged for apprenticeship offences in reality, though under colour of prison discipline; and, both in that, and in other Colonies, they are still subjected to needless and shameful degradation. No adequate measures have been taken, in most of the Colonies, to secure a fair valuation of the services of the apprentice, and facilitate his right to manumission; the consequence of which is, that excessive valuations frequently occur, and the liberty of the apprentice is wrongfully withheld from him. And, finally, the only hope of a due administration of the laws, which was to be obtained through the agency of impartial magistrates, has been greatly frustrated, if not wholly defeated, by the absence of laws adequate to their protection and control,—and by Colonial prejudices, which would probably have rendered the best of laws practically useless,—while baits have been offered to partial and unfeeling magistrates,—and the best among them, have been obliged, in the execution of their duties, to avail themselves of the hospitality of planters, whose conduct, they might at the same time, have been called upon to arraign. What can be expected from such a system as this, but magisterial despotism under pretext of law? What other practical result could ensue, than the wholesale sacrifice of the rights of the negro, under circumstances in which the Planter and the Magistrate may so easily combine,—in which the latter, is exposed alternately to the temptations of hope and of fear,—in which he is possessed of an almost unlimited discretion over an ignorant and helpless peasantry—and has daily duties to perform, the violation of which, from their very nature, it would be hard to detect, even by the utmost vigilance; while the wholesome control of a special superintending officer, armed with the powers of the ancient protector, has been most unfortunately withdrawn. The number and severity of the punishments actually inflicted upon a population,

admitted to be generally docile and industrious, is the best criterion of the character of the special magistracy as a whole. In the limited period of twenty-two months, nearly one in four, of the whole labouring population of the West Indies, have been punished; and, although mulcts of labour, appropriated to the benefit of the employer, have more generally been substituted of late for corporal punishment, this circumstance alone, though it may shock the feelings less, yet in reality exhibits no growth of more generous sentiments in the mind of the employer. And even a bonâ fide diminution in the aggregate of punishments of every kind, the reverse of which may be inferred from the returns already published, could afford no certain evidence of improvement, while monstrous laws exist, to stifle complaint, and constrain to abject submission and hopeless endurance.

The Anti-Slavery Committee now proceed to make a few additional observations. It can never be forgotten, that the only plea for a temporary postponement of the acknowledged rights of the negro to unqualified freedom, which the West Indians themselves ventured to urge upon the nation, when about to commute a simple loan of fifteen millions for the enormous grant of twenty millions sterling, as the price of the utter extinction of slavery, was founded upon a supposed uncertainty, as to whether the negroes, without some intermediate period of education and time for conciliation, would receive the boon of freedom with becoming sobriety, or be induced to labour efficiently for their former owners on a system of adequate wages. On this supposed uncertainty, and on this alone, did the British Parliament proceed, when it authorized an apprenticeship for a limited period, and expressly for the purpose of "promoting the industry, and securing the good conduct"* of the negroes. The real benefit of the negroes was, therefore, the object proposed by the apprenticeship system; and, for the accomplishment of this object, and from a supposed necessity, the nation (though under protest of the Anti-Slavery Societies) submitted to that imposition.†

The apprenticeship system was accordingly established, and after the lapse of a period sufficiently long to develope its genuine character and effects, a Committee of the House of Commons was

* Vide Preamble to the Imperial Act of Abolition.

† See debates in the House of Commons, on the introduction of the Imperial Act of Abolition.

appointed to make inquiry into the subject, and report accordingly. This Committee, after having minutely examined the Colonial Laws and regulations above briefly alluded to, together with much practical evidence, especially relating to Jamaica, made a special report on that important Colony, in which, after particularly adverting to many legislative defects and flagrant abuses, and specifically recommending their removal, (though, unhappily, with but little, if any beneficial effect,)—and at the same time, admitting the existence of evils scarcely separable from a state of society, confessedly anomalous and defective, which they nevertheless, considered defensible as a state of transition and preparation,—they make the most distinct acknowledgment and adjudication of the absence of all those supposed circumstances, the existence of which, could alone justify its continuance, in the following words: "In the evidence which they have received, they find abundant proof of the general good conduct of the apprentices, and of their willingness to work for wages whenever they are fairly and considerately treated by their employers. It is, indeed, fully proved, that the labour thus voluntarily performed by the negro, is more effective than that, which was obtained from him while in a state of slavery, or which is now given to his employer during the time for which he is compelled to work as an apprentice."*

The difficulty of defending the continuance of an anomalous and intrinsically defective system beyond the period of its necessity, must be left to those who are willing to undertake it; but, that difficulty will not be diminished by the fact, that the Parliamentary Committee had distinctly before them, the satisfactory examples of Antigua and Bermuda, to prove how safely and how advantageously to both parties, the boon of unqualified freedom might have been universally bestowed. In the mean time, the most important of all facts relative to the negro race, and to the Colonies, have been finally established by this adjudication; and it now stands clear from contradiction, not only that the negroes will work well for wages, but that they cannot be made to work so well without them; not only, that the negroes are industrious and obedient under a hard and unjust system, but (if proof were not really superfluous) that they will be much more so, whenever they are fairly treated.

* Vide Report in Appendix B.

In a word, that the apprenticeship system no longer admits of justification as a necessary measure of caution; while the productive industry of the negro, and consequently, the prosperity of the Colonies, is incalculably obstructed and impaired by its further continuance. Considered either as a preparatory condition for the enjoyment of perfect liberty,—or as a season of conciliation between offended parties,—or, as a means of improving the social and moral condition of the negroes, it has certainly proved a complete and manifest failure.

The almost total disregard of the civil and religious education of the apprentices by the Colonial authorities, and the general injustice of the apprenticeship laws, as exhibited in the previous statement, must, until things are found to work by contraries, be regarded as demonstrative of the mischief, rather than of the advantage, of perpetuating it for such purposes. So far indeed, from its being a state of either preparation or improvement, it is plainly, one of needless deterioration and abuse,—abuse at all times inseparable from a system of unremunerated labour, but especially in Colonies but just emerging from avowed slavery. If therefore, so oppressive a condition must yet be endured, it is but just, that its real nature and object should in future be known; it ought at least, to be generally understood to be, not a necessary pause in the negro's ascending progress towards freedom, but as it is, in truth, a dilatory measure, which will be tolerated in future for the sole purpose of prolonging the unjust gains of the planter. Meanwhile, the public at large, and Her Majesty's Government, have been fully apprised of the deep sensation excited throughout the country, by the more general circulation of the Parliamentary Report on negro apprenticeship, the language of which, seems to have thrown a degree of doubt over the future intentions of Parliament, with respect to the redress of such great and admitted grievances.

The Anti-Slavery Committee, however, are not disposed hastily to adopt these unfavourable auguries. They have yet to be convinced, that when the case of the negroes is fairly considered as a whole, and not regarded merely in the light of individual sufferings demanding individual redress, justice will not be dealt out to the sufferers in a large and liberal manner. Of the indefeasible right of the negro indeed, to immediate and unqualified freedom, and of the expediency of fully recognizing that right at the present moment,

they entertain the firmest conviction. They maintain, that such a step would be an act of national justice. They assert, that in conferring immediate freedom,—for which the most ample compensation has been already awarded,—the Imperial Parliament, so far from retracing any part of its original plan, would be merely completing it;—would be moving directly and consistently onward, from an unsuccessful experiment, to a safe and satisfactory conclusion.

Neither can they admit, that any deficiency of evidence exists to justify the postponement of such a procedure. The object sought to be obtained, is not a bill of penalties against individual offenders, but redress of the multiform evils of a confessedly defective and injurious system. In this case, as in all others, the means must be commensurate with the end; and here the evils complained of, are the essence of the system, and inseparable from its existence; and if substantial justice, which can only avail within a limited period, be the end to be secured, then they affirm, that the general proof which has been already furnished, ought to be considered satisfactory. The law of Great Britain does not require impossibilities, nor impose conditions that would nullify the object sought to be obtained. In proceeding to put down an oppressive system, it demands only sufficient evidence to prove general abuse, and a prevailing animus and tendency to mischief. The Anti-Slavery Committee confidently believe, that this amount of proof has been given. Nor do they yet despair of parliamentary means being devised for surmounting those formidable obstacles, which have so long and so dishonourably obstructed the course of justice.

Meanwhile, they have a duty to perform to the country, and to themselves, (too long, perhaps, delayed,) of presenting the substance of their case to the public; and of expressing their decided opinion, that the union of the entire Anti-Slavery body is, at the present moment, peculiarly desirable, for the purpose of enabling Government, in the exercise of augmented powers, to vindicate the honour of the nation, and to carry into full effect the intentions of the Imperial Legislature. These intentions can never, in the opinion of the Anti-Slavery Committee, be effectually accomplished, except by the termination of the apprenticeship system. Nevertheless, they feel bound to declare, that even with this most auspicious event, there will still be need of stringent legislation, on a variety of topics, in order to give permanence and security to freedom. While therefore, they earnestly

seek the entire and immediate extinction of the apprenticeship system, they feel, that it will be alike due to the negroes who have been professedly emancipated,—to the character of the present administration, whose reputation is staked upon the faithful performance of their pledge,—and to the nation, which has generously purchased the unconditional liberty of the negroes at the price of £20,000,000 sterling,—that whenever the apprenticeship system shall terminate, freedom, in its largest and fullest sense, the constitutional rights and privileges of British subjects, without restriction or diminution,—shall be accorded and secured to the whole negro population of the British Colonies. The Anti-Slavery Committee urge this most important subject with greater earnestness, from their knowledge of the actual existence of many Colonial laws, and the project of many more, which, under colourable pretexts, are intended to deprive the emancipated negroes of their future liberty. In anticipation of this peril, they would now protest against the sanction of all such fraudulent schemes; and they respectfully but unhesitatingly declare their opinion, that any Administration, which shall, through inadvertence or otherwise, at the termination of the apprenticeship, permit or suffer any infringement whatever, of that full, perfect, unqualified, and unconditional freedom, to which the negroes will then be unquestionably entitled,—will forfeit, justly and for ever, the confidence of the British public.

The Committee conclude with an earnest hope, that the exemplary patience by which the negroes have been always distinguished, and which now pleads so strongly in their behalf, may continue to mark their conduct to the end of this prolonged and painful trial, and fully warrant their friends in making increased exertions for the attainment and security of that liberty, which they have so richly merited.

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